

MERCHANTS TO SIGN

(Continued from Page 1.)

goods. We should have legal advice. We are groping around without any knowledge of our status. We are going at this matter aimlessly."

J. A. M. Johnson saw no way out of the matter except to sign the bond if the merchants wanted their goods. He cited the bills of lading of the steamship company in which the latter disclaimed responsibility for almost anything that would happen at sea. "The steamship company don't seem to have any liability, at all," he said laughingly.

James Gordon Spencer of the Pacific Hardware Company said the matter was one of law and the bonds would have to be signed. If the goods were insured the consignees could not refuse to take them.

Fred L. Waldron, the insurance broker, said the insurance companies endorsed the bond for the consignees. "If you are not insured, you have to put up the cash," he said.

Mr. Watkins said the consignees would have to take the goods, and if they did not, and the firms were solvent, the insurance people would sue.

Mr. Evans of the Bergstrom Music Company favored obtaining legal advice.

"I would suggest that Captain Soule here, who has been a shipmaster, tell us about general average settlements," suggested Mr. Watkins.

"Never had an accident," responded Captain Soule.

Mr. Von Hamm of Von Hamm-Young Co. agreed with Mr. Spencer. Emil Berndt of Dimond & Co. favored signing the bond.

At this juncture Mr. Berg was called upon to enter the discussion. He then read the extract which appears above.

"I don't see how you can help yourselves," he added, "about signing this bond. If you think you have a claim against the steamship company or the insurance companies, I don't think you waive it by signing. The insurance companies probably will be willing to guarantee your bond. I would like to state that all insurance policies include general average claims, no matter how small they may be."

George F. Davies of Davies & Co. said that as far as Lloyd's are concerned, they were not interested at the Honolulu end. As far as Davies & Co. were concerned, it was a question of law, and he felt that the bond must be signed. By doing so the consignees threw their claims back on the insurance companies, and it was a question simply of their relations with the latter.

Mr. Berg added: "We are willing to endorse the bonds, providing the contracts are in force."

At this juncture Chairman Smith arose and said: "The general result is that it appears to be best to sign this bond. Those who are insured will have their bonds guaranteed by the companies. We are bound to accept the freight that is here and we can come back on the insurance companies for any damage sustained."

The question then arose as to the procedure for those who had not insured their shipments. On motion of W. H. Smith of the Manufacturers' Shoe Co., the association voted that a legal opinion be obtained from the legal adviser of the association as to their status.

THE MEANING AND LAWS OF GENERAL AVERAGE

(Continued from Page 1.)

The interests and property which derive advantage from it. The phrase "General Average" is used, because a loss of a part is thus divided among all the other parts, and is sustained by all in equal proportion. This rule is ancient and universal. It would be held to apply to all our inland navigation, whether of river or lake, steam or canvas.

There are three essentials in General Average without the concurrence of all of which there can be no claim for a loss. First, the sacrifice must be voluntary; second, it must be necessary; third, it must be successful. Or, in other words, there must be a common danger, a voluntary loss, and a saving of the imperiled property by the loss.

Parsons, regarding the employment of a ship, has the following:

If a wreck, or other interruption, intervenes, the shipowner has the right of transshipping them, and sending them forward in the original ship or another ship, to the place of their original destination. When they arrive there, he may claim the whole freight originally agreed on; but, if forwarded in the original ship, he can claim no more; for then the extra cost of forwarding the goods is his loss. If the master or owner forwards them in another ship from necessity, and at an increased cost, the shipper must pay this increased cost.

Parsons furthermore says: "The goods are to be delivered, by the bill of lading, in good condition, 'excepting the dangers of the sea,' and such other risks or perils as may be expressed. If the goods are damaged to any extent by any of these perils, and yet can be and are delivered in specie (that is, if the goods are actually delivered although hurt or spoiled, as corn, or hides although rotten, flour although wet, fish although spoiled), the freight is payable."

The shipper or consignee can not abandon the goods for the freight, if they remain in specie, although they may be worthless; for damage caused by an excepted risk is his loss, and not the loss of the owner. If they are lost by a risk which the shipowner does not except in the bill of lading, he is answerable for that loss, and it may be charged in settlement of freight.

If they are lost in substance, though not in form, that is, although the cases or vessels are preserved, as if sugar is

washed out of boxes or hogheads, or wine leaks out of casks, by reason of injury sustained from perils of the sea, though the master may deliver the hogheads or boxes or casks, this is not a delivery of the sugar or the wine, and no freight is due.

If the goods are injured, or actually perish and disappear from internal defect or decay or change, that is, from causes inherent in the goods themselves, with no fault of the master, freight is due. But if it can be shown that the loss or injury might have been avoided by the use of proper precautionary measures, and that the usual and customary methods for this purpose have been neglected, the master or shipowners may be held liable for the damage.

DEATH OF A KAMAAINA

(Continued from Page 1.)

King." Afterward he went back to New York and for many years was a commissioner of the Supreme Court taking evidence as to damages caused by the elevated railways and adjudicating thereon.

As a result of malaria contracted in Virginia Mr. Armstrong came to the islands to recuperate and after a time—in August, 1897—he accepted the editorship of the Advertiser, retiring from that position in November, 1899. He had made a study of the labor question and was one of the strongest advocates of the introduction of white labor for the plantations. From his infancy he had a warm aloha for the Hawaiian people and befriended them in every way in his power. After giving up the editorial chair he maintained a quiet life devoted to literature, taking about a year to getting out the work already mentioned.

Mr. Armstrong's wife died in 1903. Last year he again left the islands, to visit his children and superintend the publication of his book. His literary ability was recognized as being of the highest order. "Around the World with a King" is more fascinating than a novel from its author's faculty of depicting incidents in a humorous manner. Readers of the Advertiser will remember how replete his writings were with entertaining anecdotes. Probably there are few who leave as many friends behind as William Nevins Armstrong, as he had the faculty of making friends and keeping them. Few more cordial, more companionable, men are met in a lifetime.

Mourning his loss are three sisters, three sons and a daughter, with many less nearly connected, but scarcely less dearly attached, relatives. His sisters surviving him are Miss Mary Jane Armstrong of San Francisco, Miss Amelia Armstrong of Berkeley, Cal., and Mrs. Ellen A. Weaver of Honolulu. Matthew, Richard and Kalani are his sons, the last of whom was named by King Kalakaua. "Dick," the second son, is a famed Yale athlete in rowing and football. The daughter is Miss Dorothy Armstrong, who was with her father at the end.

GOVERNOR CARTER'S FRIEND. "Mr. Armstrong was more responsible than anyone else," said Governor Carter yesterday, "for my accepting public office. Anyone who came into contact with him could not but recognize the great way he had of stirring people up and inspiring them."

"Some years ago there was a gathering at the Moana hotel of Yale men at which there were none of the older men except Armstrong. He was always interested in college occasions and showed that interest. He turned what might have been an occasion of feasting and joviality into something more serious by a rousing response to the toast 'Yale in the Pacific.'"

"He told how the work done out here reflected credit on the older men and wondered if we of the younger generation were using our opportunities to the best advantage. 'In a crisis take time to write to the friends or acquaintances you made in college,' he said. 'The individual is only an atom, but if you write and get your friends behind you the influence you can exert is tremendous.'"

"Three or four months afterward, remembering his advice, I wrote to a friend, Mr. Phillips Stuart, pointing out some of the errors I thought President McKinley had made in appointments here. Stuart showed that letter to the President and my troubles began."

"I remember that it was Mr. Armstrong who called my attention to the fact that the missionary, Asa Thurston, had been a Yale man, and he was always intense in his pride in Yale men's work. He urged upon us loyalty to the land of our birth and our adoption. He had a great notion of the value of the college man."

"Besides all this he was the most jovial and genial of men."

Governor Carter added that Mr. Armstrong did not confine his talking of Hawaii to these islands, but made a telling speech at a dinner at Johns Hopkins University on "College Men in Hawaii."

FEDERAL GRAND JURY FINDS INDICTMENTS

A report was rendered by the Federal grand jury yesterday with nine indictments, of which three went on the secret file until the defendants are arrested. Those made public are:

Frank C. Bertelmann, two counts of impersonating a Federal officer; Ah Hook Yuen and Ching Chee, conspiracy in unlawful importation of a woman; Kunakichi Kamatani and Goro Morioka, conspiracy to commit an offense; Tameki Honda and Kumaki Hokada, same as previous case, both being cases of the Japanese practice of buying and selling wives; Hatsuho Shimoda, unlawful woman importation; Shikuya Koshi, woman, and Shinkichi Makino, man, a social offense.

The Camp McKinley coling cases were further investigated yesterday morning, and then the jurors were excused until tomorrow.

WIFE OF DR. WILE IS SERIOUSLY INJURED

Honolulu people and Hawaiians throughout the group will receive the following account of a serious accident to the wife of Dr. Wile with deepest regret. Dr. Wile has endeared himself to the citizens of this Territory by his kindly interest in the Molokai Settlement unfortunate. Mrs. Wile spent some time here with her husband on one of his visits.

It will be seen, from the report of Mrs. Wile's dreadful mishap here given that the doctor was preparing to leave for Honolulu ten days later, when it happened. The report is from the Danbury (Conn.) Evening News of October 2:

Mrs. William C. Wile lies seriously ill at her home, Tarryville, from the effects of injuries which she sustained in a headlong plunge down a stairway in her home Saturday afternoon. She sustained a fracture of her right arm at the elbow and an injury to her spine, the exact nature of which has not been definitely determined. It was at first believed that the spine was fractured, but whether or not this diagnosis is correct can not be determined by the physicians for several days. An examination made this morning by Dr. Robert T. Morris, the New York specialist, gives hope that the injury may not be as serious as was feared.

That Mrs. Wile escaped more serious injury or even instant death seems remarkable under the circumstances. The stairway where the accident occurred leads from the second floor to the kitchen. A narrow hallway at the top of the stairs is protected by a balustrade. On the opposite side of the stairway is a window. Mrs. Wile discovered a wasp upon the sill of the

window and with a piece of paper for a brush attempted to remove the insect. She leaned too far over the balustrade and losing her balance, plunged headforemost down the stairway.

The cook, who was in the kitchen at the time, heard Mrs. Wile's cry of alarm as she fell, and an instant afterwards heard her body strike the door at the foot of the stairs. Mrs. Wile was found unconscious upon the lower landing when the door was opened. It was apparent that she was severely injured and as Dr. Wile was not at home another physician was summoned by telephone. Mrs. Wile recovered consciousness in a short time but when the physician reached her he found that she was paralyzed below her waist and that she was suffering greatly from shock. He also found a fracture of the right elbow.

Dr. Wile, who had planned to leave Danbury on October 19 for a trip to Honolulu, went to Pleasant Valley, N. Y., on Saturday in his automobile to say farewell to relatives in that place. He reached home early Saturday evening and found Mrs. Wile in a serious condition. The paralysis continued and Dr. Wile agreed with the other physicians who had been summoned, that there were indications of a fracture of the spine. The injury was of such a nature that an exact diagnosis was impossible and it was decided to summon Dr. Robert T. Morris, one of the most eminent of New York specialists, in consultation.

Dr. Morris reached here at 10:40 this morning and was taken at once to Tarryville. His diagnosis, although not positive, gave hope that the spine had not been fractured and that the injury was less serious than had been feared. Mrs. Wile was in as comfortable a condition this afternoon as could be expected under the circumstances.

DAMAGES FOR INJURY

Ethel Barr, a resident of Los Angeles, California, temporarily residing here, a trained nurse by occupation, has brought a suit against the Honolulu Rapid Transit & Land Co. for \$5000 damages. Her complaint sets forth the cause of action thus, condensed:

That on the 10th day of October, A. D. 1905, at about the hour of 10:30 o'clock p. m., plaintiff was a passenger in one of the cars of defendant on said branch line and was being carried and conveyed from said corner of Wilder avenue and Punahou street, to a point in College Hill tract, and for said passage and transportation had paid her fare to the conductor.

That while plaintiff was a passenger and in the exercise of proper care, and free from fault and contributory negligence, defendant, not regarding its duty in that behalf, did by its servants so carelessly, negligently and unskillfully drive the car around a curve in College Hills tract at such a high, reckless and dangerous rate of speed that plaintiff was thrown from and out of her seat and upon the steps at the sides of the car, sometimes known as the running board, and to a position of great danger with her head down and near to the ground, and plaintiff was thereby seriously cut, bruised, wounded and injured, was greatly terrified, and her mind and nervous system received an intense and severe shock; that despite plaintiff's loud cries of distress she was carried in said dangerous position and while in said state of injury, distress and terror, for a long distance, to wit, 400 feet, before said car was brought to a stop; that at said time plaintiff made such efforts to save herself as she was able to make in her then state of injury and weakness, and was prevented from falling from said car to the ground by the assistance of a gentleman fellow passenger who seized plaintiff by the leg and held her until said car was stopped.

"That by the premises plaintiff was put to great pain, suffering, distress and humiliation, and was confined to her bed for several days, and is now and ever since said time has been prevented from attending to her usual and necessary business as a trained nurse, the practice of which plaintiff has solely to rely upon for the earning of her living, and plaintiff is as she believes permanently injured by the premises; and, further, plaintiff has been compelled by reason of said injuries to expend and has expended the sum of two hundred dollars for medical attendance in endeavoring to cure said cuts, wounds, bruises, injuries and shock."

Wherefore plaintiff prays for process and for the sum of five thousand dollars as damages, together with costs of court. Thompson & Clemons are her attorneys.

Miss Barr graduated as a trained nurse from St. Marks Hospital, Salt Lake City, Utah. She came to Honolulu with Mrs. Earle, wife of the big California fruit shipper.

AN ANTISEPTIC LINIMENT. For wounds, bruises, burns and like injuries there is nothing better than Chamberlain's Pain Balm. It acts as an antiseptic, forming a thin, imperceptible film over the injured parts, which excludes the air and causes the injury to heal without matter being formed, and in much less time than by the usual treatment. In cases of burns it allays the pain almost instantly. Sold by All Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

SECRETARY ATKINSON

The last number of the New York Independent has a discussion by Secretary A. L. C. Atkinson of the future of Japanese in Hawaii and the "Yellow Peril." It is as follows:

"I do not believe that Hawaii is destined to be Japanized. It is a fact that the Japanese population of the islands is more than twice the number of Caucasians of all nationalities, and it must be admitted that the Japanese, originally brought here as laborers—a large majority of them contract laborers before annexation—have made very considerable advances as skilled laborers and have driven many American skilled laborers away from the group. The oft-mentioned fact that there are thousands of young Japanese growing up all over the islands who will have the right, being American born, to demand American citizenship and vote must also be admitted. It is pointed out by alarmists in Hawaii today that in about ten years enough of these youths will grow up to dominate the political situation in the islands, and a Japanese legislature and Japanese county officials in this little American Territory are freely predicted by the alarmists."

"The Japanese, however, do not become expatriated. They will not want American citizenship. They do not want it now. In the last general election here the Japanese who voted can be counted on the fingers of a hand, though there are undoubtedly several hundred who could qualify. The Chinese far more readily accept American citizenship, or, rather, reach after it when able, and we have about two hundred of them as voters. The Chinese desire for citizenship, however, is usually not founded on devotion to Americanism. It is merely a matter of avoiding the difficulties and inconveniences of the Exclusion Act, for a Chinese who is an American citizen may travel to and from the country as he wills. The Japanese want our education, our business and mechanical knowledge and our money, but, far more than the Chinese, they want to keep their own nationality. This is why they will never dominate an election in Hawaii and one reason why I say that the Hawaiian Islands will never be Japanized."

"Another is that Hawaii herself has begun to initiate a movement which will populate her beautiful fertile valleys and plains and hillside with the homes of whites. In recent years the people of Hawaii have awakened to the realization more than ever of what is meant by the words spoken by President Roosevelt when he said that Hawaii must be developed 'along traditional American lines,' and also, perhaps, they have awakened to a realization of the fact that the American ideal was not being achieved here. I believe that our large sugar plantation men—even those who have asked from time to time that Washington allow them Chinese coolies—are taking more than ever an interest in this problem."

"Hawaii boasts of an incomparable climate, soil of unexcelled fertility and scenery so charming that no visitor ever fails to say its impression will linger in his memory till death. She has thousands of acres of splendid Government land lying idle. She has the finest and largest sugar mills in the world and vast cane fields watered by some of the largest pumps ever installed by man. On the single island of Oahu there is pumped from the soil by this vast machinery the incredible total of 350,000,000 gallons every twenty-four hours. In these great mills and pumping plants there is employment for a small army of skilled engineers

and machinists. Hawaii's uncultivated soil can produce tons upon tons of valuable tropical staples for which the United States every year pays millions of dollars more than she need pay it. Hawaii was her tropical garden. Yet the past two years have seen the American, in fact all the white, population actually decrease. The Japanese or else the Chinese have taken the skilled laborers' places and little has been done to encourage the American home-seeker. But a start has been made."

"The Legislature has just created a Board of Immigration, which, in cooperation with the sugar planters and others, is laying plans for securing a supply of white labor consisting of men and families who will found homes and be American citizens, and for encouraging the immigration of the American settler. The mistake of encouraging the Asiatic skilled laborer at the expense of the American is now realized, and I believe that a few years will see a marked return of white skilled laborers to these islands."

"The first missionary work will have to be done here. We shall have to put our own house in order. Our large employers must be brought to realize their responsibility. Hence, we are asking the plantations and other large employers what they are willing to do. We want them to offer the whites employment and we expect them to do so. We can supply the homes. Give them work and give them homes, and whites will settle this country. Hawaii has the work to be done and at good wages, and she wants the right kind of citizens to, according to latest advice."

"The citizens who have made Honolulu and Hawaii what they are, including the present generation and their ancestors in the islands, achieved far more in the development of an American community than the average American is aware of. They have made a success of the scientific agricultural and mechanical features of sugar producing far beyond anything else in the world. There are no sugar mills, no fields of cane, in the world which are comparable to those of Hawaii. This result has been won by the application of the best scientific talent to be had in both lines. Nowhere is there more scientific farming than on the sugar plantations of these islands, where twelve tons of sugar to the acre are produced, as compared to the three or four tons regarded as satisfactory elsewhere; and nowhere else, after the cane has been harvested, is its saccharine matter extracted with equal skill or perfection of machinery. I believe that the people of the islands who have achieved these great commercial results are also capable of solving their political problems and of carrying out the wish of our President and of McKinley before him, that the islands be developed along traditional American lines. In doing this they have to meet a concentration of what has never before been met by an American community. The other 'yellow peril,' which is just beginning to be talked about, but which, let us hope, will never be a real peril—that of the utter defenselessness of the islands against naval attack—is one that may be left to the statesmen at Washington who are in charge of such matters."

JUDGE DOLE REJOINS

(Continued from Page 1.)

In the Hawaiian methods of administration after the visit of Commodore Perry, was not a movement arising from the masses and acting on the government, but just the contrary. The government decided that the adoption of foreign methods was essential to Japanese prestige, and the nation accepted the new departure with that obedience which was a quality of its discipline gained through its accustomed recognition of the absolute infallibility and divine authority of the Emperor.

If these people, together with the new Chinese citizens that we are introducing into our body politic—a race still more conservative than the Japanese, and more subject to the bonds of heredity and tradition, dominate our political situation at some future time, can their political judgment be relied on in legislative and administrative matters? It is not a question whether or not they might conduct a government credibly, but rather, whether they would or could conduct an American Territorial or state government satisfactorily, whether they would or could promote American principles of the franchise, of executive and judicial administration or of marriage.

If there is doubt of their capacity to do these things as well as makers of public sentiment of the Caucasian races, our safe course is, I submit, to take such action before it is too late, that will ensure always in this community a leaven of political influence that shall be sufficient to continue and further develop the existing American sentiment.

In closing, I desire to correct a misconception expressed in Judge Hart's paper as to my attitude toward the sugar planters. He says that my 'opinion is that the system of farming by corporations should be broken up, and a basic establishment for the making of farms and homes and the consequent growth and education of good citizens be established.' I do not know from what text the above quotation is taken. I do not think that I have ever favored the breaking up of 'the system of farming by corporations.' Abrupt changes of such a character are usually disastrous. But my suggestion was in brief that with the present uncertainty in the supply of plantation labor, it is not wise to experiment with such other classes of labor as may be available, under different conditions from the prevailing system? I also feel that the planters have missed an opportunity of adding a quality of permanence to their supply of labor, in not offering the inducement of land ownership to the early Portuguese immigrants. The objective point in such a proposition being that while the planters would be thus helping themselves, they would still more be assisting in the development of a citizen population which should promote a public sentiment favorable both to political and social conditions.

SANFORD B. DOLE.

PURDY ON THE STAND

The Parker ranch case moved along another notch yesterday, when the examination of Willie Spencer was concluded and that of Sam Purdy reached the stage of cross-examination.

Spencer was put through a long quiz as to hauling out certain koele posts which it was charged had been cut and left to rot in the grass. It turned out that they were safe at Waimea, and that the order to haul them down had been given by Carter, though most of the work had been done in the Receiver's time. Since piling them at Waimea the only use the witness had made of them was to sit on them when he talked with the boys on Sunday.

On redirect Magoon asked: "You testified that Ikua and Johnnie Lindsay are the same; now which is more strict with the boys?"

Kinney objected that this was not proper redirect, that Magoon was trying to get the witness to contradict his previous statements, not to explain them, and intimated that the witness's Monday view of things might be different from his Saturday view. Magoon resented the intimation that the witness had been talked to in the interval. The court finally sustained the objection.

Before the next witness was sworn Kinney raised the question as to whether all the Parker ranch books and correspondence contained in the two big boxes in the corner were before the court. It appeared that they had been sent down in response to Magoon's subpoena, and that Magoon and Eben Low had examined them. Kinney argued that this involved an obligation on the part of Magoon to file them in evidence. Magoon feared that they would overwhelm the court and offered to file those he had selected. Kinney asked on what theory the selection had been made, and gave another instalment of his lecture on the obligations of a "next friend" to present his case fairly. Ballou produced authorities, and the court ruled that the books and papers must be considered as part of the evidence.

Sam Purdy was sworn, and gave evidence tending to show that the ranch would have been run differently if he had been in charge. The paddocks were sometimes understocked, though the witness was shy about putting his estimate in figures. Paukikoni paddock fence had been repaired throughout, whereas only half of the posts were rotten. The other half would have lasted three or four years more. Mauna Kea should be fenced and the gates left open to induce the wild cattle to come down.

The witness proved a more intimate acquaintance with the Mona estate than anyone who had previously testified. The examination ran as follows: "With reference to the cistern at Mana can you state what condition it was in?"

"It was all rotten, no cover to it. The dogs fell into it and the pigs fell into it."

"Anybody else fall in?" asked Magoon, with a slight emphasis on the "body."

"The filth would get into it," replied the witness.

"Did a man fall in?" asked Magoon, boldly coming to the point.

"Yes, I myself."

"Anybody else?"

"Makolohe."

"Did you ever say anything to Carter about it?"

"No, I had no business to tell him because he used to come up himself."

"When you fell in did you tell him about it?"

"I don't know whether I did or not."

The witness had repaired the dairy pipe line six times and reported it twice. He had found a gate in the grass and had stood it up against the fence. The driving was not done in a quiet manner and he had seen bulls in the fattening paddock. The witness's version of the horse trade with Fred Carter was as follows:

"Ikua and I went down to Puopelo and Ikua said he wanted to purchase his horse. Just then a Jap came along and Carter asked him if he wanted to buy a horse. The Jap said no, the horse was too old. Then we went to look at some hay and when we came back Ikua said, 'How much,' and Carter said, 'Forty-five dollars.'"

The point of the trade appeared later, when Carter discovered that the animal had won Fourth of July races at Waimea.

Kinney began the cross-examination with the usual questions concerning the witness's relationship to Sam Parker and Eben Low. He then took up the question of bulls in fattening paddocks and brought out that the bulls broke through the fences. The witness was kept busy with the problem of keeping the bulls out and at the same time economizing on fence repairs until the court adjourned.

THE JURIES AT WORK

Ah Lum's trial for conducting a lottery began yesterday before Judge Robinson and a jury consisting of Henry B. Saylor, W. T. Raposo, L. H. Dee, Sylvester Crook, Albion F. Clark, Farm Corn, Chas. H. Carter, Ulysses H. Jones, Geo. W. Macy, Thos. Jones, A. V. Gear and A. A. Montano. Fleming for Territory; Peterson for defendant. Judge Robinson called the criminal calendar again yesterday, setting a number of cases for trial.

A. G. Kaulukou, admitted to the bar last week, was assigned to defend Dan Keoki, charged with larceny.

Chong Him withdrew his plea of not guilty and, pleading guilty to selling liquor without license, had his sentence suspended for three months by Judge Robinson, his bond being ordered canceled and himself released on his own recognizance.

Judge De Bolt had Kaplan Estate vs. Thurston on trial by jury for the third day.